REMARKS

Claims 1, 3-10, 14-16, 22-24, 26-29 and 41-45 were pending and examined in the Office Action dated November 25, 2005. Claims 1, 3-10, 14-16, 22-24, 26-29 and 41-45 were rejected in that Office Action. No claims have been added, modified, or deleted by this Response. Applicants respectfully request reconsideration of this application.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3-10, 14-16, 22-24, 26-29 and 41-45 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Alt (5,855,600). Moreover, in the outstanding Office action, the Examiner appeared to place some reliance upon Lampe et al. (3,998,623) and Jalisi (6,520,923) as teaching a "corrosion resistant, high strength alloy with a fine-grained material having grain size of ten microns or less."

Significantly, to establish a *prima facie* case of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicants' claims – MPEP § 2142. Applicants respectfully submit, however, that the Examiner has not carried that burden. For example, none of the cited references enable a teaching of "a metal alloy substrate having an average grain size in the range of one to ten microns," as recited in Applicants' claims 1, 3-10 and 14-16. Similarly, none of the cited references teach or enable that the cylindrical rings of an intravascular stent are "formed from a fine grained material having an average grain size of one to ten microns," as recited in Applicants' claims 22-24 and 26-29. In addition, none of the cited references disclose a stent comprising "a substrate having an average grain size of one to ten microns," as recited in Applicants' claim 41-45. Accordingly, Applicants respectfully submit that the rejection of Applicants' claims under § 103(a) is improper and should be withdrawn.

Notably, the Alt `600 patent discloses a medical device, namely a stent, made from a metal alloy, for example, stainless steel. As the Examiner acknowledges, the Alt `600

patent does not teach that the disclosed stent is made from a material (substrate) that has an average grain size of one to ten microns, as recited in each of Applicants' independent claims. Thus, Alt `600 does not teach or suggest each and every claim limitation of Applicants' claims and standing alone cannot support a rejection of obviousness.

Furthermore, Applicants respectfully submit that any reliance on the Lampe `623 patent is misplaced. The Lampe `623 patent does not teach or enable a metal alloy having an average grain size in the range of one to ten microns. The Lampe `623 patent teaches adding titanium carbide as an ingredient of a master alloy (col. 1, lines 49-53), resulting in a titanium carbide rich alloy – the titanium carbide itself is not the finished alloy. Specifically, the Lampe `623 patent teaches a solidification process for forming titanium carbide having an average grain size that does not exceed ten microns (col. 2, lines 8-18). The teaching of Lampe `623 is directed to the grain size of the titanium carbide in the finished alloy, and the reference says nothing about the average grain size of the finished metal alloy. Instead, the Lampe `623 patent teaches that the titanium carbide grains are contained within a matrix of a finished alloy that is used to form an ingot (col. 2, lines 39-41; col. 4, lines 40-53). Furthermore, there is no suggestion in any of the applied references that such an ingot formed from a titanium carbide rich alloy may be suitable for use as a substrate for a medical device or that such a material having fine grained titanium carbide may be used to form the cylindrical rings of an intravascular stent. Lampe `623 merely teaches the use of such titanium carbide rich alloys for the production of a grinding disk (col. 5, lines 53-68). Accordingly, Lampe `623 does not cure the deficiencies of the Alt `600 patent.

Similarly, Applicants respectfully submit that the Jalisi `923 patent does not cure the deficiencies of the Alt `600 patent. The Jalisi `923 patent does not teach or enable a substrate or material for forming a stent having an average grain size in the range of one to ten microns. The Jalisi `923 patent teaches a coating on the substrate of an intraluminal device, such as a stent (col. 2, lines 54-57; col. 3, lines 45-53; col. 4, lines

56-58). Jalisi `923 teaches that the coating has thickness of about 0.1 to 15 microns (col. 4, lines 27-29; col. 5, lines 48-57; col. 6, lines 1-3). As the Examiner must appreciate, the thickness of a coating is not the same as the grain size of a substrate. Jalisi `923 specifically distinguishes the coating from the substrate (col. 4, lines 20-26). Jalisi `923 says nothing about the average grain size of any metal alloy or other material used for the substrate. Accordingly, the combination of the Alt `600 patent in view of Lampe `623 and Jalisi `923 does not render obvious Applicants' pending claims.

In view of the foregoing, Applicants respectfully submit that all presently pending claims 1, 3-10, 14-16, 22-24, 26-29 and 41-45 are in condition for allowance, and that the application should be passed to issue. The Examiner is encouraged to contact the undersigned should there be any questions or resolvable matters regarding this application.

Respectfully submitted,

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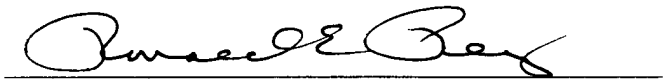
Dated: February 15, 2006 By: 

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